

EXHIBIT D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Civil Action: 01-CV-12257-PBS
THIS DOCUMENT RELATES TO)	
ALL ACTIONS)	Judge Patti B. Saris

DECLARATION OF Michael O. Gum,

Pursuant to 28 U.S.C. § 1746, declares as follows:

1. I currently hold the position of Director of Pharmacy at The Presbyterian Hospital in Charlotte, North Carolina. I have held this position since February, 2005.
2. My job duties at the hospital include oversight of the Pharmacy, including Purchasing, Billing, Distribution and Policy. I am knowledgeable regarding the manner in which The Presbyterian Hospital bills patients for in-patient and out-patient medical services, including the methods by which the hospital determines charges for medication administered to patients.
3. I have reviewed the hospital's billing records for Susan Ruth Aaronson. In particular, I have reviewed the hospital's charges for [REDACTED]
[REDACTED]
4. I am not able to determine the National Drug Code ("NDC") for the [REDACTED] that was administered

to Ms. Aaronson. Accordingly, I am unable to say who manufactured the drugs that were administered to this patient.

5. The Presbyterian Hospital's charge for [REDACTED] was \$925.50 for a 200 mg injection and \$1,388.25 for a 300 mg injection. Presbyterian Hospital charged \$925.50 for the 200 mg [REDACTED] injection administered to Ms. Aaronson as part of out-patient treatment in November and December 2004, and in January and March 2005. Presbyterian Hospital charged \$1,388.25 for a 300 mg [REDACTED] injection administered to Ms. Aaronson as part of out-patient treatment in March 2005.

6. The Presbyterian Hospital's charges for the [REDACTED] administered to Ms. Aaronson in 2004 and 2005 whether as part of her in-patient or out-patient treatment – were not based on Average Wholesale Price ("AWP").

7. Ms. Aaronson's records also indicate that she received [REDACTED] as part of out-patient treatment at Presbyterian Hospital. Presbyterian Hospital's charge for the [REDACTED] administered to Ms. Aaronson in July and August 2004 was \$603.95 for a 40,000 unit injection. Presbyterian Hospital's charge for the [REDACTED] administered to Ms. Aaronson in September and November 2004 was \$454.60 for a 40,000 unit injection. Presbyterian Hospital's charge for the [REDACTED] administered to Ms. Aaronson in February 2006 was \$494.05 for a 40,000 unit injection.

8. The Presbyterian Hospital's charges for the [REDACTED] administered to Ms. Aaronson in 2004 and 2006— whether as part of in-patient or out-patient treatment – were not based on Average Wholesale Price (“AWP”).

9. Ms. Aaronson's records also indicate that she received [REDACTED] as part of out-patient treatment at Presbyterian Hospital. Presbyterian Hospital's charge for the [REDACTED] administered to Ms. Aaronson in August and September 2004 was \$3,373.50 for a 6 mg injection. Presbyterian Hospital's charge for the [REDACTED] administered to Mrs. Aaronson in September, October, November, and December 2004, and January and March 2005 was \$3,576.45 for a 6 mg injection.

10. The Presbyterian Hospital's charges for the [REDACTED] administered to Ms. Aaronson in 2004 and 2005 whether as part of her in-patient or out-patient treatment – were not based on Average Wholesale Price (“AWP”).

11. Ms. Aaronson's records also indicate that she received [REDACTED] as part of out-patient treatment at Presbyterian Hospital. Presbyterian Hospital's charge for the [REDACTED] administered to Ms. Aaronson in February 2006 was \$215.75 for a 300 mg injection.

12. The Presbyterian Hospital's charges for the [REDACTED] administered to Ms. Aaronson in 2006 whether as part of her in-patient or out-patient treatment – were not based on Average Wholesale Price (“AWP”).

I declare under penalty of perjury that the foregoing statement is true and correct.

Executed on this 9th day of June, 2006.

Michael O. Gum
Michael O. Gum, PharmD
Director of Pharmacy

Beth C. Wilson

Notary Public

My Commission Expires: ~~12/9/2007~~

